

FILED

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JUDGE MARINA CORODEMUS

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Allegiance Corporation and
Baxter Healthcare Corporation

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION:
MIDDLESEX COUNTY
DOCKET NO.:

STACEY LUKAITIS AND FRANK LUKAITIS,
Plaintiffs,

vs.

ALLEGIANCE CORPORATION, ET AL.,
Defendants.

CASE CODE 243

CIVIL ACTION

ORDER OF DISMISSAL WITHOUT
PREJUDICE OF CLAIMS AGAINST
DEFENDANTS ALLEGIANCE
CORPORATION AND BAXTER
HEALTHCARE CORPORATION

THIS MATTER HAVING BEEN OPENED by Lowenstein Sandler PC, attorneys for defendants Allegiance Corporation and Baxter Healthcare Corporation, upon a motion for a "bright-line" dismissal of claims against them, in accordance with this Court's Case Management Order No. 3; and Special Master Joyce Usiskin having reviewed the motion; and the Court having considered the papers filed in support of the motion, and in opposition to the motion, if any; and the Court having found that plaintiffs' claims should be dismissed in accordance with the "bright-line" dismissal procedures set forth in Case Management Order No. 3 as Allegiance Corporation and Baxter Healthcare Corporation were not the manufacturers of the latex gloves to which plaintiff alleges exposure; and other good cause having been shown;

IT IS on this 8th day of ~~April~~ July 1999;

ORDERED that the motion for an Order granting a bright-line dismissal filed by defendants Allegiance Corporation and Baxter Healthcare Corporation be, and the same is hereby GRANTED; and

IT IS FURTHER ORDERED that plaintiffs' claims against Allegiance Corporation and Baxter Healthcare Corporation be DISMISSED WITHOUT PREJUDICE; and

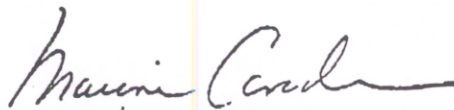
IT IS FURTHER ORDERED that this dismissal is without prejudice to the right of plaintiffs to seek to rejoin the dismissed defendants, if discovery taken by plaintiffs reveals alleged facts that constitute a good-faith basis for alleging that any of the dismissed defendants manufactured, designed, distributed or sold latex gloves to which plaintiff Stacey Lukaitis was exposed, and such evidence was not previously known by or disclosed to plaintiffs prior to the entry of the within Order; plaintiffs' application to rejoin the dismissed defendants under such circumstances must be made within ninety (90) days from the date of completion of merits discovery or one (1) year from the entry of the within Order, whichever is later; and

IT IS FURTHER ORDERED that if evidence is developed suggesting that defendants should be rejoined (as described in the preceding paragraph of this Order), and plaintiffs' initial Complaint was not timely filed, defendants have not waived and may assert the statute of limitations as a defense to plaintiffs' claims; and

IT IS FURTHER ORDERED that if no request to rejoin the dismissed defendants Allegiance Corporation and Baxter Healthcare Corporation is made within the later of one (1) year from the entry of the within Order or ninety (90) days from the date of completion of merits discovery, then at defendants' request and upon notice to plaintiffs, defendants may request that an Order dismissing with prejudice plaintiffs' claims against them be entered by the Court; and

IT IS FURTHER ORDERED that counsel for defendants Allegiance Corporation and Baxter Healthcare Corporation shall serve this Order upon all counsel of record in the

above-captioned action, within ten (10) days of counsel's receipt of a time-stamped copy of the Order from the Court.

A handwritten signature in black ink, appearing to read "Marina Corodemus", written in a cursive style.

Hon. Marina Corodemus, J.S.C.